

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 27580 of 2006(G)

PETITIONER:

- 1. RAJESHI G.KAMATH, WORKING AS ATTENDER,
DR.PADIAR MEMORIAL HOMOEOPATHIC MEDICAL COLLEGE,
CHOTTANIKKARA.**
- 2. MINI C.N., WORKING AS NURSE,
DR.PADIAR MEMORIAL HOMOEOPATHIC MEDICAL COLLEGE,
CHOTTANIKKARA.**
- 3. NAVEENA PRABHU S., WORKING AS LDC.,
DR.PADIAR MEMORIAL HOMOEOPATHIC MEDICAL COLLEGE,
CHOTTANIKKARA.**

**BY ADV. SRI.K.R.RAJKUMAR
SRI.JAGADEESH LAKSHMAN**

RESPONDENTS:

- 1. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE (J) DEPARTMENT,
THIRUVANANTHAPURAM.**
- 2. THE SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, THIRUVANANTHAPURAM.**
- 3. THE PRINCIPAL & CONTROLLING OFFICER,
GOVERNMENT HOMOEOPATHIC MEDICAL COLLEGE,**

THIRUVANANTHAPURAM.

**4. THE PRINCIPAL,
DR.PADIAR MEMORIAL HOMOEOPATHIC MEDICAL COLLEGE,
CHOTTANIKKARA.**

**BY ADV. SRI.R.LAKSHMI NARAYAN
SMT.R.RANJINI
GOVERNMENT PLEADER SRI. MANOJ KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WPC NO.27580/06

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1. COPY OF THE COMMUNICATION OF THE FIRST RESPONDENT TO
THIRD RESPONDENT DT. 4.2.04.**
- EXT.P2. COPY OF THE ORDER OF THE FIRST RESPONDENT DT. 24.11.04.**
- EXT.P3. COPY OF THE REQUEST OF THE FOURTH RESPONDENT TO THE
THIRD RESPONDENT DT. 19.8.06.**
- EXT.P4. COPY OF THE ORDER OF THE LOK AYUKTHA.**

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 27580 OF 2006

Dated this the 29th day of May, 2007

J U D G M E N T

The primary grievance of the petitioners, who are employees of Dr. Padiyar Memorial Homoeopathic Medical College, Chottanikkara, is that the respondents are not taking any steps to implement the Provident Fund Scheme for the staff of the college in terms of the Kerala Private Homoeo Medical College Employees Provident Fund Rules, 2000.

2. Petitioners have prayed for other incidental and consequential reliefs also to which reference need not be made at this stage, in view of the stand taken by the Government in its counter affidavit. The 1st respondent in the counter affidavit has averred that steps would be taken to implement the Provident Fund Scheme and that an officer would be appointed for implementation of the same. It is further stated that as and when requisite number of staff is posted, the Scheme would be implemented without any delay. Non-implementation till date was only due to financial stringency faced by the Government for the last few years. However, steps are now being taken to do the

needful. But it is pointed out by the counsel for the petitioners that unless a time frame is stipulated, the matter may be delayed further and the Government may not take any steps for implementation of the scheme. There is considerable force in the above statement.

In the above facts and circumstances, the writ petition is disposed of with a direction to respondents 1 to 3 to ensure that the Provident Fund Scheme is implemented as expeditiously as possible, at any rate, on or before August 31,2007. It shall be ensured that the requisite number of staff is deployed and the scheme is brought into force within the time frame stipulated above.

Since delay in implementation of the scheme has occurred because of failure on the part of the Government in this regard, petitioners are entitled to get interest on the amount. Interest shall be credited to the respective account of the petitioners at the rate of 6% from the date of accrual till remittance.

A.K. BASHEER, JUDGE

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1ST MARCH, 2007